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Subject: Formal Challenge – Invalid Succession Refusal & Demand for Lawful Decision

Dear Enfield Council Housing Services,
Dear Ms. Solan,

I am writing to formally challenge the succession refusal communicated to me by Resident Relationship Officer **Georgina Solan**. The correspondence issued is **not** a lawful succession decision under the Housing Act 1985 or the Housing Act 1996, and therefore cannot be treated as final, binding, or enforceable.

Your refusal is **procedurally defective, legally invalid**, and issued by an officer who does **not** possess the statutory authority to make such determinations.

1. The refusal is invalid due to improper service

A lawful succession refusal **must**:

- Be Issued by the **Landlord Authority** (Housing Act 1985, S.114)
- Be Signed by an **Authorised Housing Decision-Maker**
- Set Out the **Evidence Relied Upon**
- Set Out the **Legal Reasoning Applied**
- Include Mandatory **Section 202 Review Rights**

None of these requirements were met.

The refusal issued is therefore **invalid, non-compliant**, and **cannot stand**.

2. The decision was issued by someone without legal authority

A Resident Relationship Officer is **not** authorised to:

- Make Statutory Succession Decisions
- Determine Principal Home Under S.86A
- Issue Final Legal Decisions
- Issue Section 202 Review Rights
- Act As the Landlord Authority

The refusal is therefore **ultra vires** (outside legal power).

3. The Council changed its reason after the first was disproven

The Council originally relied on:

“You Have Another Tenancy.”

This was disproven with statutory guidance and case law showing that holding another tenancy does **not** prevent succession.

After this was disproven, the Council changed its reason to:

“Wider Evidence.”

This is procedurally improper, suggests the decision was not made on a lawful basis, and raises concerns of **maladministration**.

4. The Council did not request further evidence

At no point did the Council:

- Request Additional Evidence
- Identify Missing Evidence
- Identify Contradictions
- Specify What Evidence Was Considered
- Specify What Evidence Was Rejected

This is a breach of procedural fairness and contradicts your statutory duty to make decisions based on full and proper evidence.

5. The evidence already provided is overwhelming

The Council has already been provided with:

- ID Documents Registered At 23 Byron Terrace
- Universal Credit Records
- GP And Hospital Records
- Car Insurance
- Driving Licence
- Passport Verification
- Council Tax
- Mental Health Documentation
- Court Orders
- Police Involvement
- Evidence Of Displacement
- Evidence Of Dependency
- Evidence Of Vulnerability
- Evidence Of Residence
- Evidence Of Occupation
- Evidence Of Necessity
- Evidence Of Constructive Occupation

This evidence meets the statutory requirements under the Housing Act 1985 and relevant case law.

6. Formal demand for lawful decision

I now formally request:

1. A **Lawful Written Succession Decision** Issued by An Authorised Officer.
2. A Full Explanation of the **Evidence Relied Upon**.
3. A Full Explanation of The **Legal Reasoning Applied**.
4. Confirmation Of My **Section 202 Review Rights**.
5. Escalation To the **Authorised Housing Decision-Maker**.
6. Confirmation That the Refusal Issued by Ms. Solan Is **Withdrawn** Due To Invalidity.

7. Notice of escalation

If the Council fails to provide a lawful decision, I will escalate this matter to:

- The **Housing Ombudsman**
- The **Monitoring Officer**

- **The Chief Executive**
- **My Member of Parliament**

The Ombudsman requires that I first give the landlord a reasonable opportunity to issue a lawful response. This letter now provides that opportunity.

8. Deadline

Please confirm receipt straight away and provide the required documentation **within 10 working days**.

Failure to do so will result in immediate escalation.

P.S.

The Council has also admitted that it placed the Burncroft tenancy on the legal scales as a factor. However, under succession law, the existence of another tenancy carries no legal weight and cannot be used as a negative point, barrier, or determinant. Its inclusion was procedurally improper and materially affected the outcome.

This is devastating for me to understand, as it was used as “**One**” of the points to weigh the refusal also:

The Council’s assertion that “**Unless Significant New Evidence Is Provided... The Council’s Position Will Remain Unchanged**” collapses under the weight of its own contradiction. It cannot coexist with the Council’s earlier claim to have already considered “**The Wider Evidence Available Regarding My Occupancy and Residence Arrangements.**” Both statements cannot be true at the same time.

If the Council had genuinely reviewed the “**Wider Evidence,**” it would not be demanding “**Significant New Evidence,**” nor implying that the factual basis of its decision is capable of being materially altered. That admission alone exposes the flaw: “**The Council Is Acknowledging That Its Decision Rests on An Incomplete, Unstable Foundation.**”

This contradiction is not a minor inconsistency — it is a **procedural fault line** running straight through the refusal. It demonstrates that the Council did **not** consider the full body of evidence already provided, including:

- **Car Insurance:** My insurance is registered at 23 Byron Terrace.
- **Council Tax / Care-of Address:** My mother’s Council Tax and my care-of address are at 23 Byron.
- **GP / Doctors:** My GP records are linked to 23 Byron.
- **Driving Licence:** My licence shows 23 Byron.
- **Edmonton Court Order:** The court order stopped me from living at Burncroft.
- **Giff Gaff:** My account activity is tied to 23 Byron.
- **Just Eat:** My deliveries went to 23 Byron.
- **Kings Oak Hospital:** My hospital records connect to 23 Byron.
- **Parking Tickets:** My tickets were issued around 23 Byron.
- **Passport:** Confirms my lawful UK residence.
- **Universal Credit / Banking**

Every one of these items **materially affects the factual matrix** the Council claims to have relied upon. Every one of them is legally relevant under the Housing Act 1985. And every one of them was either ignored, misinterpreted, or improperly weighted. Accordingly, the Council's refusal cannot stand. It is built on a contradictory rationale, an incomplete evidential assessment, and a misapplication of the statutory test. A decision that contradicts itself cannot be lawful. A decision that ignores material evidence cannot be safe.

A decision that relies on factors carrying no legal weight cannot survive review.

The Council's position is not "Unchanged." It is simply unsustainable.

Kind Regards, Mr. **Simon Paul Cordell**